

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WOMEN FOR AMERICA FIRST,

- against -

Plaintiff,

**NOTICE OF CROSS-
MOTION TO DISMISS**

BILL DE BLASIO, *in his official capacity as
Mayor of New York City, New York, and POLLY
TROTTEMBERG, Commissioner of the New
York City Department of Transportation,*

20 Civ. 05746 (LGS)

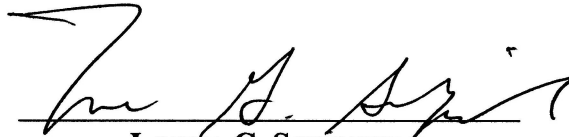
Defendants.

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PLEASE TAKE NOTICE that upon the annexed declaration of Diana M. Murray, dated September 14, 2020, and the exhibits thereto and the accompanying memorandum of law, and upon the First Amended Complaint filed by plaintiff Women For America First on July 28, 2020, defendants Bill De Blasio, in his official capacity as Mayor of New York City, New York, and Polly Trottenberg, Commissioner of the New York City Department of Transportation, will cross-move the Court before the Honorable Lorna G. Schofield at the United States Courthouse located at 40 Foley Square, New York, New York, for an order, pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure, dismissing the First Amended Complaint for a failure to state a claim under the First Amendment, and for such other and further relief as the Court may deem just and proper.

Defendants' motion to dismiss is DENIED without prejudice to renewal. The Court directs Defendants' attention to Individual Rule III.C.2, which requires a movant to file a pre-motion letter with the Court, in the manner provided in Individual Rule III.A.1, prior to filing a motion to dismiss. The Court will consider the portions of Defendants' memorandum of law at Dkt. No. 21, in opposition to Plaintiff's motion for preliminary injunction (Dkt. No. 13), but will disregard the portions of Defendants' memorandum of law at Dkt. No. 21, in support of Defendants' motion to dismiss.

Dated: September 15, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
September 14, 2020

JAMES E. JOHNSON
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City of New York
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By:

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To: (via ECF) Ronald D. Coleman, Esq.